

**MINUTES**  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**FEBRUARY 20, 2007**

Meeting was commenced at 7:00 p.m.

**PRESENT:**

**Council Members:** Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Long Range Planning Manager Jim McNulty; Planner Mike Wilcox; City Treasurer Glade Jardine; **Rebecca Condie**; Public Works Director Rick Smith; Police Chief Stephen Chapman; Parks & Recreation Director Nancy Shay; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

1. **OPENING REMARKS/PRAYER/PLEDGE:**

**Boy Scout Casey Nielsen** of **Troop #281** offered the Prayer, and **Boy Scout Sterling Spencer**, also of **Troop #281**, led the Pledge.

2. **SPECIAL PRESENTATION:**

a. **GFOA Awards (Government Finance Officers Association of U.S. & Canada)**

**City Treasurer Glade Jardine** introduced **Jeff Peterson**, State Representative from the Utah Government Finance Association.

**Mr. Peterson** explained that the GFOA is a national non-profit government association with over 16,000 members. Each year they present awards for excellence in financial reporting involving municipal budgets and annual financial reports. Only **4.65%** of the cities that submit their **CAFR** (Comprehensive Annual Financial Report) for review are winners of this award. Sandy City has earned this award for the past **19 consecutive years on the CAFR**, and three years for the annual budget. The certificate entitled "**Achievement for Excellence in Financial Reporting**" was presented to Mayor Dolan who passed it on to the City's **Treasurer Glade Jardine and Controller Helen Kurtz**, who was ill and unable to attend the presentation.

Mr. Peterson stated that he also wished to recognize CAO **Byron Jorgenson** and **Mayor Dolan** for their support and guidance of Sandy City Financial Staff.

**Citizen Awards/Annual Appreciation Banquet**

- a. **Mayor Dolan**, along with **Chairman Tenney** presented the Outstanding Citizen Contribution award to Wayne and Nancy Day for their service to the Sandy Arts Guild board, and for their guidance as treasurer. They both will be stepping down from their positions after years of service.
- b. **Mayor Dolan** and **Chairman Tenney** presented the Outstanding Board of Adjustment award to Chairman Dave Winnie, who has served as a board member since May 23, 1995, and as chairman the past 18 months. Mr. Winnie was noted for his service, and for his unique insight from a developer's perspective on a variety of issues.

**\*\*Note\*\* Both of these awards were presented during the City Council meeting since these individuals were unable to attend the Annual Awards Banquet that was held in January.**

3. **CITIZEN(S) COMMENTS:**

- a. **Gary Forbush**, 983 East Addington Circle, requested information on the proposal REAL Soccer Stadium, and what plans the City will take to address problems that are associated with large sporting venues. He stated that he has lived near a football stadium and is very familiar with the type of problems associated with big sporting venues: i.e. parking, littering, and alcohol consumption. He also stated that he would like the City to be more pro-active in distributing information to the residents in order to help them have a better understanding on how the facility will be funded. Mr. Forbush also requested a copy of the report of the Council's trip to view the soccer facility in Frisco, Texas.

**Bryant Anderson** noted that he has already requested that the Administration prepare an information packet to be sent to all the residents.

**Dennis Tenney** expressed appreciation to Mr Forbush for his comments, and asked Phil Glenn to respond to Mr. Forbush's requests.

**As there were no further comments, Chairman Tenney closed Citizen Comments.**

**PUBLIC HEARING(S):**

**4. Open the Sandy City Budget to Increase Golf Fees.**

**Public Hearing** to amend the Sandy City Fee Schedule for fiscal year 2006-07. [Ref: Agenda Item 6]

**Discussion: Parks and Recreation Director Nancy Shay** introduced **Guy Lestor**, who is the new Golf Division Manager for the River Oaks Golf Course.

**Ms. Shay** presented a handout to the Council on the market survey conducted on various golf courses and their fee comparisons on 9 hole weekly rates, senior/junior passes, and 0-round punch passes. [Ref: Exhibit "A"]

The proposed fee increase for the 2007 Golf Session would be as follows:

9-hole Weekday Rate: from \$12.00 to \$12.50

9-hole senior/junior passes from \$9.00 to \$9:50

9-hole punch pass (10 round): from \$100.00 to \$105.00.

**Ms. Shay** reported that the River Oaks Golf Course sells more 9- hole passes to the patrons. They are currently looking to promote 18-hole rounds of golf which would help increase revenues.

**Chairman Tenney opened the Public Hearing. As there were no comments, the hearing was closed.**

**Mayor Dolan** stated that a.50 cent fee increase would not adversely affect those residents on a fixed income.

**Motion: Reference Agenda Item #7.**

**5.. Code Amendment: Land Use Non Depository Institutions**

**Discussion: Long Range Planning Manager Jim McNulty** reported that the Sandy City Community Development Department has filed a request to amend 15-05-01(B), Commercial Land Use Matrix, 15-05-02(B), Residential and Land Use Matrix, and 15-15-02, Definitions (Business or Financial Services, Non-Depository Institutions) and create Sub-Section 15-13-21, Non-Depository Institutions, Supplementary Regulations - Title 15, Land Development Code, Revised Ordinances of Sandy City.

Check cashing businesses have begun to rapidly appear across the Salt Lake Valley and in other parts of the country. Within the past year, five such businesses have applied for business licenses to operate in Sandy City and there are currently ten in operation. A majority of these businesses have located along 700 East near the Historic Sandy Neighborhood. With the rapid proliferation of these businesses, several cities across the country have begun to regulate this industry. Within Salt Lake County, many municipalities are regulating the location and the number of these businesses allowed within their city limits, such as West Valley City, Taylorsville, South Jordan, South Salt Lake, and West Jordan (**see Table 1**). Other surrounding municipalities, including Salt Lake County and Salt Lake City, are considering code amendments, which would regulate the land use of this particular industry. With this industry being regulated staff feels it is necessary to explore making similar regulations of these businesses within Sandy City.

**Table 1 - Survey of Regulations for Check Cashing and/or Title Loan Businesses**

<b>Municipality</b>	<b>Conditional Use</b>	<b>Restrictions</b>
West Valley City, Utah	Yes, only in commercial areas	<ul style="list-style-type: none"> <li>•600 feet between like businesses</li> <li>•One permitted / 10,000 population</li> <li>•</li> </ul>
Taylorsville City, Utah	Yes, only in select commercial areas	<ul style="list-style-type: none"> <li>•600 feet between like businesses</li> <li>•One permitted / 10,000 population</li> <li>•</li> </ul>
West Jordan, Utah	Yes, in one commercial zone	<ul style="list-style-type: none"> <li>•1,000 feet between like businesses</li> <li>•One permitted / 10,000 population</li> <li>•</li> </ul>
South Jordan, Utah	Yes, in one commercial zone	<ul style="list-style-type: none"> <li>•3 miles between like businesses</li> <li>•</li> </ul>
Draper, Utah	Yes, in one commercial zone	<ul style="list-style-type: none"> <li>•1,000 feet between like businesses</li> <li>•</li> </ul>

Midvale, Utah	Permitted in most commercial areas	<ul style="list-style-type: none"> <li>•600 feet between like businesses</li> <li>•One permitted / 10,000 population</li> <li>•</li> </ul>
Cottonwood Heights, Utah	Classified as financial institution, conditional in select commercial areas	<ul style="list-style-type: none"> <li>•None</li> </ul>
<ul style="list-style-type: none"> <li>• Tucson, Arizona</li> </ul>	<ul style="list-style-type: none"> <li>• es, only in select commercial areas</li> </ul>	<ul style="list-style-type: none"> <li>• ,320 feet between like businesses</li> <li>• 00 feet from residential</li> <li>•</li> </ul>
Riverside, California	No, but is restricted to specific development standards (right)	<ul style="list-style-type: none"> <li>• 00 feet from churches, schools, and parks</li> <li>• 00 feet from residential dwellings</li> <li>• ,000 feet from sale of alcoholic beverages, existing parolee/probationer's home, or homeless shelter</li> <li>• equire a lighting plan for site plan submittal</li> <li>• ease space windows may not be tinted or obstructed in any way</li> <li>•</li> </ul>
Oakland, California	Yes, only in select commercial areas	<ul style="list-style-type: none"> <li>•1,000 feet between like businesses</li> <li>•200 feet from residential, churches, schools, and other financial institutions (i.e. banks, credit unions, etc.)</li> <li>•</li> </ul>
Clark County, Nevada	Yes, only in select commercial areas	<ul style="list-style-type: none"> <li>• ,000 feet between like businesses</li> <li>• 00 feet from residential</li> <li>•</li> </ul>
Minneapolis, Minnesota	No, but is restricted to specific development standards (right)	<ul style="list-style-type: none"> <li>•1,000 feet between like businesses</li> <li>•Prohibits back lit signs and awnings, portable signs, temporary signs, and freestanding signs</li> <li>•Require 30% of the first floor facade to be clear windows or doors, to allow for sight in and out of building</li> <li>•Prohibits the use of visible bars, chains, or similar security devices</li> <li>•</li> </ul>

In addition, staff has concerns with these businesses and the possible detrimental affect they might have on the economic development of Sandy. Staff has also determined that the industry prefers to locate on collector streets with high visibility. It is to be noted that they also tend to locate in areas where there are other check cashing or title loan businesses nearby. Staff sees a potential problem with a high concentration of these businesses since they provide no sales tax revenue. The concern is that they may occupy prime retail spaces at key intersections within Sandy City; therefore hindering current and future tax base.

Another concern regarding economic development is that this industry has a perception problem. They are perceived to attract a clientele of a socioeconomic class that is undesirable to many co-tenants. There is a perception that this industry may attract crime. This has the potential to discourage potential retailers and businesses from locating within the same shopping center or area. Whether or not the perception is correct, it could deter potential businesses from locating in those areas.

Check cashing and title loan businesses often use garish colors to attract attention both through signage and the building itself. Staff is concerned with the visual impact that these businesses may have on the community. It is

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worthy to mention that in recent years, this industry has begun to fit into the community, instead of trying to stand out. Staff has noticed that they have attempted to “*clean up*” their image.

**PROPOSAL**

It is proposed to amend 15-05-01(B), Land Use Matrix, 15-05-02(B), Residential Land Use Matrix, and 15-15-02, Definitions (Business or Financial Services, Non-Depository Institutions) and create Sub-Section 15-13-21, Non-Depository Institutions, Supplementary Regulations.

The proposed amendments to the land use matrices would add a category for Check Cashing and Payday Loan institutions entitled Non-Depository Institutions. For the Commercial Land Use Matrix, this amendment would make these businesses a *conditional use* in some zones and *not permitted* in others (**see Exhibit “A”**). For the Residential Land Use Matrix, this amendment would make this use not permitted in any of the residential zoning districts (**see Exhibit “B”**).

Currently, there is no definition within the Development Code to differentiate Check Cashing and Title Loan businesses from other business or financial services. Therefore, staff is proposing the following amended and new definitions:

**Amended Definition:**

**Business or Financial Services.** An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service, but not including medical, dental, chiropractor or other similar arts. Uses intended by this definition would include but not be limited to business offices, ~~banks, credit unions, depository institutions, for~~ other establishments performing financial services (including outside drive-up facilities), radio or television station. This definition shall not include businesses *that are defined as a non-depository institution nor businesses* in which goods or merchandise are sold or stored.

To provide clarification, depository institutions are defined as follows:

- A. **Depository Institution.** A bank, savings and loan association, savings bank, industrial bank, credit union, or other institution that:
1. holds or receives deposits, savings, or share accounts;
  2. issues certificates of deposit; or
  3. provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.

**New Definition:**

**Non-Depository Institution.** A financial business, other than a depository institution such as a bank, credit union, mortgage lender or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act. Specifically included are the following:

- A. **Check Cashing Business.** A person or business that for compensation engages, cashing a check for consideration or extending a deferred deposit loan. “*Check Cashing Business*” does not include Depository Institutions, as defined by the State of Utah. “*Check Cashing Business*” also does not include a retail seller engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.
- A. **Payday Loan Business.** An establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
- A. **Title Loan Business.** An establishment providing short-term loans to individuals in exchange for the title of a motor vehicle, mobile home, or motorboat as collateral.
- A. **Deferred Deposit Lender.** A business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction agrees not to cash the check or process the debit until a specific date.

Also included are any other business that offers deferred deposit loans, title loans, check cashing services and loans for payment of a percentage fee exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.

**Exhibit “C”** (attached) includes a copy of these definitions. If approved, these definitions would be placed within Section 15-15-02 of the Land Development Code.

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In order to clarify the specific conditions that are proposed for this type of use, it is necessary to add a sub section to the Supplemental Regulations Chapter of the Land Development Code as Section 15-13-21. These regulations would include the following:

- Require a distance of 2,640 feet (1/2 mile) from similar uses.
- Limit building colors to earth tones or to match the design theme of the center.
- Comply with the Architectural Design Standards of Sandy City.
- Restrict location to multi-tenant buildings (no stand alone buildings permitted).
- Restrict the use of neon signs to the regulations within the Sandy City Sign Code.
- Prohibit the use of neon lighting on the building or in the windows.
- Prohibit the use of bars, chains, or similar security devices that are visible from a public street or sidewalk.
- Require at least 25% of the first floor facade that faces a public street to consist of windows or doors clear or lightly tinted to allow views in or out of the building at eye level.

The proposed additions to Sub-Section 15-13-21, Non-Depository Institutions, Supplementary Regulations, has been attached as **Exhibit "D"**.

**NON-CONFORMING USES**

As a result of this code amendment each of the following businesses would become legal non-conforming uses:

- USA Cash Services of Utah - 8632 South 700 East
- Mr. Money - 8392 South 700 East
- EZ Loan Services - 8926 South 700 East
- Utah Money Store - 9115 South 700 East
- Money 4 You - 9165 South 700 East
- Check 'n Go - 9343 South 700 East
- Checkmate Payday Loans - 8914 South State Street
- Quik Cash 9205 South State Street
- 

**LAND DEVELOPMENT CODE PURPOSE COMPLIANCE**

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

**15-01-03 Purpose**

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

**General**

1. To enhance the economic well being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

**Implementation of General Plan**

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

**Comprehensive, Consistent and Equitable Regulations**

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

**Efficiently and Effectively Managed Procedures**

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed ordinance amendments are consistent with the purpose of standard #6. These provisions would allow for a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

## GENERAL PLAN COMPLIANCE

In the Economic Development section of the Sandy City General Plan, it encourages attracting businesses that will build the tax base of the city.

## STAFF RECOMMENDATION

The Community Development Department respectfully requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendments as shown in **Exhibits “A”, “B”, “C”, and “D”** attached hereto, for the following reasons:

1. The proposed ordinance amendments are consistent with the purpose of the Land Development Code.
2. The proposed ordinance amendments are consistent with the Goals and Policies of the General Plan.
3. The proposed ordinance amendments further the goals of Economic Development within Sandy City.
4. The proposed ordinance amendments puts regulations in place which require this industry to comply with the Sandy City Architectural Design Standards and the Sign Ordinance.

### Exhibit “A”

#### 15-05-01 Commercial Land Use Matrix

##### B. Table of Uses

Land Use Category	CB D	CB D-P	CB D-O	RC	BC	CC	CN	CV C	CN HS N	HB D	LC	CR- PU D	IC	PO	ID	H	AM (De aler shi ps)	AM (Co mm erci al)	RD
Non-Depository Institutions	C	N	N	C	C	C	C	N	N	N	N	C	N	N	C	N	N	C	N

### Exhibit “B”

#### 15-05-02 Residential Land Use Matrix

##### B. Table of Uses

Land Use Category	R-1- 40	R-1- 30	R-1- 20	R-1- 15	R-1- 10	R-1- 9	R-1- 8	R-1- 8INF	R-1- 7.5( HS)	R-1- 6	R-2- 10	R-2- 8	RM	MH	OS	PUD
Non-Depository Institutions	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

### Exhibit “C”

(changes are shown with ~~strikeouts for words removed~~ and *italics for new words added*)

#### 15-15-02 Definitions

##### Amended Definition:

**Business or Financial Services.** An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service, but not including medical, dental, chiropractor or other similar arts. Uses intended by this definition would include but not be limited to business offices, ~~banks, credit unions, depository institutions,~~ *for* other establishments performing financial services (including outside drive-up facilities), radio or television station. This definition shall not include businesses *that are defined as a non-depository institution nor businesses* in which goods or merchandise are sold or stored. To provide clarification depository institutions are defined as follows:

- A. **Depository Institution.** A bank, savings and loan association, savings bank, industrial bank, credit union, or other institution that:
1. holds or receives deposits, savings, or share accounts;
  2. Issues certificates of deposit; or
  3. provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.

***New Definition:***

**Non-Depository Institution.** A financial business, other than a depository institution such as a bank, credit union, mortgage lender or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act. Specifically included are the following:

- A. **Check Cashing Business.** A person or business that for compensation engages, cashing a check for consideration or extending a deferred deposit loan. “*Check Cashing Business*” does not include Depository Institutions, as defined by the State of Utah. “*Check Cashing Business*” also does not include a retail seller engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.
- A. **Payday Loan Business.** An establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
- A. **Title Loan Business.** An establishment providing short term loans to individuals in exchange for the title of a motor vehicle, mobile home, or motorboat as collateral.
- A. **Deferred Deposit Lender.** A business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction agrees not to cash the check or process the debit until a specific date.

Also included are any other business that offers deferred deposit loans, title loans, check cashing services and loans for payment of a percentage fee exceeding 1% of the check or \$1 as a service fee that is incidental to its main purpose or business.

**Exhibit “D”**

**15-13        Supplementary Regulations**

**15-13-21        Non-Depository Institutions**

- a. Non-Depository Institutions are permitted as a Conditional Use within the Central Business District (CBD), Regional Commercial (RC), Boulevard Commercial (BC), Community Commercial (CC), Neighborhood Commercial (CN), Commercial Planned Unit Development (CR-PUD), Industrial (ID), and Auto Mall Commercial (AM Commercial) zoning districts and subject to the following restrictions:
- a. Shall not be located within 5,280 feet (one mile) of the same type of use. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
  - a. Shall only be allowed to locate with in multi-tenant buildings. A stand alone business will not be permitted.
  - a. Shall conform to the Architectural Design Standards as described in Appendix A of Title 15, Land Development Code of Sandy City. In addition to these guidelines, the following will also be required:
    - a. The color of the building shall be restricted to earth tones or shall match the design theme of the center of which it is a part.
    - b. At least twenty-five (25) percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.
    - c. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

- d. The use of neon lighting shall be prohibited on the building exterior.
- a. Shall conform to the Sign Regulations as described in Chapter 15-10 of Title 15, Land Development Code of Sandy City. In addition to these guidelines, the following will also be required:
  - a. The use of neon signage within the window or door area shall be prohibited.

Shall be limited to one non-depository institution per 10,000 in population to include all residents in Sandy City and the Salt Lake County unincorporated islands within the City's geographic boundaries. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

**Planner Mike Wilcox** presented a power-point presentation on the various check-cashing businesses in Sandy. The majority of these businesses are located along State Street and 700 East.

**Mike Coulam** reported that two check cashing businesses have filed applications for business licenses. One is proposing to locate near 106<sup>th</sup> South and State Street; while the other is at 114<sup>th</sup> South and State Street. There are a total of four businesses requesting to locate in the City. Several adjacent communities have adopted regulatory ordinances restricting the number of check cashing businesses in their communities. The majority of these communities regulate check-cashing businesses based on population, one business per 10,000 in population. Based on the City's current population, the numbers of check cashing businesses are at their maximum amount.

**John Swallow**, 1260 East Bellevue Circle, applicant, attorney for Check City, questioned the recommendations to restrict neon lighting and locating only in multi-tenant buildings. He stated that many businesses in the City use neon lighting, and that check-cashing businesses should not be singled out.

He reported that these businesses are highly regulated by federal and state laws, and provide a needed service for the residents. He believes people who need this service will turn to the Internet, where there are no restrictions, if they become overly regulated. He explained reasons why a high annual interest rate is charged to customers [over 400%]. He reported that the payoff period for short-term loans is within a two-week time period, with the average loan amount being \$300.00. The high interest rate provides revenues needed by these companies to help pay for employees and overhead costs. Mr. Swallow felt that the one business per 10,000 residents ratio was too restrictive, and asked the City Council to consider allowing one business per 7,500 in population. He felt this would allow businesses to locate in other areas of the city, and eliminate the clustering problem that has occurred along State Street and 700 East.

**Chairman Tenney opened the Public Hearing.**

**Art Sutherland**, 8029 Old Dairy Road, volunteer for an advocacy coalition group of religious communities and poor people, expressed concern over the high interest rate that these businesses charge their clients, and how these businesses are proliferating at a rapid speed in the community. He reported that there are over 500 check cashing businesses in the State. He believes that these institutions have a tendency to entrap their clients, and cause blight in a community. He asked the City Council to adopt the ordinance to limit the number of payday loan facilities in the city.

**Wendy Gibson**, 8215 South 1128 East, an employee of the payday loan industry, reported that the Department of Financial Institutions places very strict guidelines on the check cashing industry. She noted that many Sandy residents utilized these services, and that it should be an individual's choice to do so.

**Rachael Lopez**- 8555 Mason Circle, reported that she also works for the payday loan industry, and at one time was a client. She reported that clients come from all walks of life, and many Sandy residents utilize these services.

**As there were no further comments, Chairman Tenney closed the Public Hearing..**

**Mr. Tenney** reported that the Council toured several check cashing facilities that are located in and near the City.

**Scott Cowdell** expressed concern over the payday loan industry. In his tenure as a City Council member, he could not recall a business, other than adult businesses and bars that has been so closely scrutinized as the payday loan industry. He reported that upon the Council's visit to these facilities, one location had a protective shield from ceiling to floor, leading him to believe that employees are concerned for their safety and have concern with people who use this service. He feels that this item should be tabled until further studies are completed by the Police Department on the type of crimes that are associated with payday loan facilities, and the reasons why so many restrictions have been placed on this type of business. Mr. Cowdell noted that a majority of these check-cashing businesses are located in his District; which has one of the highest crime rates in the City. He stated, "Do we need another business that is scrutinized like an adult business or bar?"



**Steve Fairbanks** believes that many "red flags" are raised when people see the high rate of interest these institutions charge. Mr. Fairbanks reported that he spoke with the Police Chief to see if these facilities have contributed to additional incidences of crime in the City. Mr. Fairbanks indicated that the Chief reported that he was not aware of any additional problems at this time. He strongly believes that competition is important to a free market, and that the market should be able to decide the longevity of these businesses. He did not feel it was fair to single out payday loan centers when there are other financial institutions that are not regulated by the City. He stated that "people will get in trouble with payday loans, and people will get in trouble with credit card debt. This is one area the Council will never be able to control." He also felt that business should not be excluded from locating in the City based on the amount of sales tax revenue produced.

**Chris McCandless** stated that legislative action was necessary since surrounding communities have already placed restrictions on the number of payday loan facilities that can locate in their cities. He believes if our city does not take the same stand as surrounding communities, our city will continue to see a large influx of these businesses, and our City will pay the price. He also indicated that he opposes placing sign restrictions specific to this industry, and that one standard should apply to all businesses. He would like the population of county islands to be included in the population distance analysis, and that payday loan establishments not be allowed to locate within a mile of similar businesses located inside and outside the city boundaries.

**Mike Wilson** reported that a leasing information company called Retail Lease Track provided a study to West Valley City, Taylorsville, and Midvale. This information was used to base the ratio of one business for every 10,000 people.

**Bryant Anderson** inquired if information was available on loan collections, quality of service, social issues, and blight that could originate from these types of institutions. He felt it would be helpful for the Council to review some of these issues before making a decision. He felt that these businesses should be managed if there is evidence of social problems.

**Mike Wilcox** stated that staff has not investigated data associated with loan collection practices. Also, the Police Department has not compiled any crime statistics specifically related to payday loan facilities in the City.

**Linda Martinez Saville** stated that she also struggles with allowing more of these businesses in the community. Many people already struggle and live from paycheck to pay check. These institutions look great to individuals who need a quick loan, but when it comes time to pay back the loan, many of these individuals cannot make the payment. People think it is going to be a quick fix to their financial problems, but in reality, it is not. She also felt that these issues should be addressed further before the Council makes a decision.

**Dennis Tenney** asked Mr. Swallow to explain the pay back rate on the loans offered by payday loan facilities.

**John Swallow** reported that state law requires that no more than five additional loans can be granted to an individual until the first loan is completely paid off. A person can pay the interest on the loan, then wait another two weeks to pay the remaining balance of the loan off. He noted that they are required by law to post a 1-800 number for patrons to call if they have any complaints.

**Steve Smith** asked if there was an independent state level repository where information could be referenced about the payday loan industry.

**John Swallow** reported that currently, there are no state mandated reporting requirements for payday loan establishments. A firm called Community Financial Services Association of America, which is a national trade association for payday loan centers, has conducted independent surveys through university research groups on demographics, ages, income, gender, educational background etc.

**Dennis Tenney** reported that based on pending ordinance doctrine, no further payday loan facilities can locate in the City until the Council makes a final decision. He stated that he was not opposed to delaying a decision on this issue as long as it does not take longer than 30 days to do so. He asked that a square footage minimum on payday loan facilities be considered, since he believes this would control the proliferation of these businesses in the city. He also would like to see statistics from our Police Department on crimes that are associated with this business in order to make certain they are regulated appropriately.

**Byron Jorgenson** stated that he would not want to see the Council table their decision on this issue if there is no substantial evidence on crime statistics associated with these businesses.

**Phil Glenn** indicated that the Police Department has not said that data does not exist, rather that the department had not

yet analyzed potential data, and that they could come back to the Council with some additional information.

**Motion:** **Scott Cowdell** made the motion to table the Code Amendment: Land Use Non Depository Institutions to the March 6, 2007 City Council Meeting, until a survey can be conducted from adjacent communities to learn more about the industry standards and requirements, i.e. size of population per store, minimum/maximum square footage requirements of a store, and data from our Police Department and surrounding communities on crimes that they believe may be related to payday loan facilities.

**Second:** **Linda Martinez Saville**

**Discussion on the Motion:**

**Steve Fairbanks** asked the applicant if tabling a decision on this issue would make a difference on their lease application.

**Mr. Swallow** indicated that he would like the Council to make a decision as soon as they possibly can.

**Chris McCandless** felt that the Council could make a timely decision on this issue since Staff already has access to the majority of this information.

**Wally Miller** advised the Council to set a specific date if they wish to continue the public hearing.

**Dennis Tenney** stated that based on our City's demographics, he felt that some of the information from surrounding cities may or may not be relevant in basing a decision.

**Steve Smith** asked that the motion be amended to include recommendations from Staff on the appropriate population ratio for locating these facilities in the City.

**Vote:** **Cowdell- Yes, Saville – Yes, Smith – Yes, Anderson- Yes, McCandless-Yes, Fairbanks- No, Tenney- No**

**Motion Approved: 5 in favor- 2 opposed**

**\*\*\*Councilman Scott Cowdell was excused from the meeting as he had another commitment to attend.\*\*\***

**6. \*\*Corey Angell Rezone**

Public Hearing to consider the request submitted by Corey Angell to rezone approximately 0.02 acres from the R-1-8 "Residential District" to the RM-12 "Residential Multi-family District". The proposed rezoning would help facilitate development of a small professional office building, located at approximately 8951 South 1300 East.

**Discussion: Long Range Planning Manager Jim McNulty** reported that Cory Angell is requesting to **rezone approximately 0.02 acres from the R-1-8 "Residential District" to the RM-12 "Residential Multi-Family District"**. The property is located at approximately 8951 South 1300 East. Currently, there is a single family home located on the larger portion of the property. The 0.02 acres is being split off from an existing lot just to the east of the property. The proposed rezoning would help facilitate the development of a small professional office building.

The property is surrounded on the north by vacant land also zoned RM-12, on the east and south by existing single-family residences in the R-1-8 Zone and on the west by 1300 East Street. Across 1300 East to the west is the Pebblebrook Golf Course in the A-1 Zone.

**ANALYSIS**

The General Plan's Goals and Policies do not specifically address the RM-12 Zone. However, the Sandy City Land Development Code states the following:

*Section 15-03-04(C)*

*Purpose. The RM District is established to provide a medium to high-density residential environment within Sandy City characterized by group and small multiple-unit housing and well-planned site development.*

However, a professional office use is classified as "conditional" within the RM-12 zoning district. The applicant has chosen to pursue a professional office use on the site rather than residential units.

The proposed rezoning would help facilitate the development of a small professional office building. This small strip of property (10' x 80' = 800 square feet) is being added to the existing property owned by the applicant to comply with development standards required by the Development Code. The proposed site plan for this project was originally

reviewed and continued by the Planning Commission on December 7, 2006. Since that meeting, the applicant has made revisions to the site plan, which includes this property under consideration for a rezoning.

The applicant has met with the neighborhood coordinator, Suzie Austin who felt good about the proposal. A neighborhood meeting was held at the site on July 20, 2006 with several neighbors in attendance. The adjacent residents voiced no major concerns.

Consideration regarding any development on this property should take into account the following issues as part of the site plan review process:

- ☐ Access
- ☐ Project compatibility
- ☐ Landscaping and buffering
- ☐ Signage and lighting
- ☐ Parking
- ☐ Engineering concerns (grading, drainage, etc.)

#### **STAFF RECOMMENDATION**

Staff recommends that the subject property be rezoned from the R-1-8 "Residential District" to the RM-12 "Residential Multi-Family District" based upon the following findings:

1. The rezoning is in compliance with the Sandy City General Plan and Land Development Code.
2. The proposed RM-12 Zone will help create a buffer between the proposed professional office building and the residential properties to the north, east and south.
3. Development at the subject location can be compatible with the surrounding area.

**Chairman Tenney opened the Public Hearing. As there were no comments, the hearing was closed.**

**Motion:** Steve Fairbanks made the motion to have documents bought back adopting the Corey Angell Rezone, to rezone approximately 0.02 acres from the R-1-8 "Residential District" to the RM-12 "Residential Multi-family District", located at approximately 8951 South 1300 East..

**Second:** Bryant Anderson

**Vote:** Fairbanks- Yes, Anderson – Yes, Cowdell- Absent, McCandless- Yes, Smith – Yes, Saville- Yes, Tenney – Yes,

**Motion Approved:** 6 in favor – 1 absent.

#### **COUNCIL ITEM(S)**

##### **7.. Amending the Sandy City Fee Schedule for Fiscal Year 2006-07.**

**Motion:** Steve Fairbanks made the motion to adopt Resolution #07-10 C, amending the Sandy City Fee Schedule for fiscal year 2006-07.

**Second:** Chris McCandless

**Vote:** Fairbanks- Yes, McCandless- Yes, Smith – Yes, Cowdell- Absent, Anderson- Yes, Saville- Yes, Tenney- Yes

**Motion Approved:** 6 in favor- 1 absent

##### **8. Resolution of the City Council of Sandy City , Utah urging the Utah State Legislature to avoid tolling as a means of paying for construction or corridor preservation along the Mountain View Corridor.**

**Motion:** Bryant Anderson made the motion to approve the Resolution of the City Council of Sandy City, Utah urging the Utah State Legislature to avoid tolling as a means of paying for construction or corridor preservation along the Mountain View Corridor.

**Second:** Linda Martinez Saville

**Vote:** Anderson – Yes, Saville – Yes, Smith – Yes, McCandless- Yes, Fairbanks- Yes, Cowdell- Absent, Tenney- Yes

**Motion Approved:** 6 in favor- 1 absent

##### **9. Resolution to Support Utah House Committee in opposition to Divine Strake Testing in Nevada**

**Motion:** Steve Smith made the motion to approve the Resolution to support the Utah House Committee in opposition to Divine Strake Testing in Nevada.

**Second:** Chris McCandless

**Vote:** Smith – Yes, McCandless – Yes, Fairbanks – Yes, Anderson – Yes, Cowdell- Absent

**Saville- Yes, Tenney- Yes**

**Motion Approved: 6 in favor – 1 absent**

10. **MAYOR'S REPORT**

- a. Held in Planning Meeting.

11. **CAO'S REPORT**

- a. Held in Planning Meeting.

**COUNCIL OFFICE DIRECTOR'S REPORT**

- 12.a. **Phil Glenn** presented a copy of the updated monthly calendar, noting that the Parks and Recreation Steering Committee meeting would be held on Thursday, February 22<sup>nd</sup>, at 5:00 p.m. in the Mayor's Conference Room.
- b. **Mr. Glenn** presented a copy of the current city newsletter to the Council.
- c. **Mr. Glenn** asked the Council to consider any revisions they would like made to the format for Quadrant Meetings: i.e. the length of presentations by the Administration and Department Heads. The Council stated that they would like to discuss this issue further at a future Council meeting.
- d. **Dennis Tenney** asked if the Administration would look into the facilities at the Sandy Campus of the Salt Lake Community College as a possible location to hold a quadrant meeting.

**Phil Glenn** noted that quadrant meetings are generally held in a facility located nearer the residents who reside in that particular quadrant. The Sandy Quadrant, nearest the College Campus, has already met

13. **OTHER COUNCIL BUSINESS**

- a. **Chris McCandless** explained that he has been working on consolidating information on the various after school programs that are available in the community. He reported that they are in the process of forming a new After School Committee, and asked for volunteers to serve on the committee. **Phil Glenn, Linda Saville, and Chris McCandless** indicated that they would be willing to serve on the committee. The meetings will be scheduled for the second Thursday of the Month at 4:00 p.m. at the Parks and Recreation Building.
- b. **Chris McCandless** reported that a street name change has been proposed for South Town Ridge Parkway. The name would change from South Town Ridge Parkway to Realtor Way. This is in connection with the new office building that is currently under construction and owned by the Realtors Association on the corner of Monroe Street and South Towne Ridge Parkway.
- Mike Coulam** reported that Mayor Dolan has asked that this request be taken through the formal process. A public hearing would be needed with the Planning Commission and the City Council.
- c. **Bryant Anderson** informed the Council that his son's first motion picture, "The Piccadilly Cowboy", would be released on the 23<sup>rd</sup> of March, and playing at Jordan Commons. Mr. Anderson proudly noted that his son is the Director of this movie.

**At approximately 9:00 p.m., Steve Smith made a motion to adjourn Council Meeting, motion seconded by Chris McCandless.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Dennis B. Tenney**  
Council Chairwoman

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**Pam Lehman**  
Council Executive Secretary

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